

REMARKS

The Office Action and cited references have been reviewed. Claims 1- 32 are pending in this application, have been rejected, and are at issue herein. Reconsideration of claims 1-32 and indication of the allowance thereof are respectfully solicited.

35 U.S.C. §102 Rejections

The Examiner has rejected claims 1 and 15 under 35 U.S.C. §102(b) as being anticipated by Havekost (U.S. Patent Application No. 5,768,119). This ground of rejection is respectfully traversed. Reconsideration of these rejections in view of the following comments is respectfully solicited.

It is axiomatic in the patent law that to reject a claim under 35 U.S.C. §102, each and every limitation must be found, expressly or inherently, in a single reference and arranged as required by the claims such that the reference discloses the identical invention. *See* MPEP § 2131. A reference applied as anticipatory of the claimed invention under 35 U.S.C. §102 must be enabling so as to place one of ordinary skill in the art in possession of the claimed invention. *See Akzo N.V. v. United States Int'l Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986) cert. denied, 482 U.S. 909, (1987); *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). As explained in the often-cited treatise Chisum on Patents "to constitute an anticipation, a printed publication must describe the invention. The description must be adequate to a person with ordinary skill in the art to which the invention pertains. By the weight of authority, the description must enable such a person not only to comprehend the invention but also to make it." That is, in order for a reference to be used to construct an anticipation rejection under 35 U.S.C. §102, the reference must enable one of skill in the art to make and use the claimed invention. *See Bristol-Meyers Squibb Co. v. Ben Venue Laboratories, Inc.* 246 F.3d 1368, 1374, 58 USPQ2d 1508 (Fed. Cir. 2001). Specifically, "even if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it was not enabling." Paperless Accounting, Inc. v. Bay Area Rapid Transit Sys., 804 F.2d 659, 665, 231 USPQ 649, 653 (Fed. Cir. 1986).

It is respectfully submitted that Havekost '119 does not disclose, explicitly or inherently, the invention claimed by claims 1 and 15, and therefore cannot anticipate these claims because it fails to teach each and every limitation required by these claims as is required by 35 U.S.C. §102 and explained below.

Claim 15 requires, *inter alia*, a notification component adapted to receive notifications of different notification classifications from a plurality of objects where the notification component determines the notification classification and renders the notification in accordance with the notification classification and a user specified priority. The invention receives different types of notifications that include mail messages, user messages, applications changing state messages, meeting reminders, stock tickers, etc. This is described in the instant specification and illustrated in Figure 2 of the present invention. The notification component assigns each notification type a classification (i.e., a category). The list of classifications is extensible and includes contact, financial, e-mail, system level, and audio classifications. For example, the contact classification is used for meeting notices, phone notifications, and any other notification that indicates that another user wants to make contact. The financial classification is used for financial based notifications, and the audio classification is used for audio notifications. The e-mail classification is used for e-mail notifications.

Havekost '119 teaches a monitoring system that signals an alarm when a problem occurs. The system of Havekost '119 allows a user to prioritize the alarm that is being displayed. A user sets a desired alarm priority, selecting high importance alarms for more urgent display and annunciation and rendering a lower display status to less urgent events. Havekost '119 makes a statement that an event/alarm management subsystem configures, monitors, and supplies notification of significant system states, acknowledgments and priority calculations. While Havekost '119 does state that an event/alarm management subsystem configures, monitors, and supplies notification of significant system states, acknowledgments and priority calculations, the Applicants respectfully submit that Havekost '119 contains no enabling disclosure as to how this subsystem works or may be carried out. Therefore, it is respectfully submitted that the Havekost '119 does not qualify as a proper prior art reference.

In the broadest interpretation of Havekost '119, what Havekost '119 discloses that could be interpreted to be remotely related to claim 15 is that the user configures an alarm behavior by creating alarm attributes. An alarm attribute furnishes reference to any boolean attribute within a module containing the attribute. Alarm attributes are created only at the module level. A user either disables or enables an alarm attribute. When disabled, the alarm attribute appears in a "normal" condition, which Havekost '119 calls an "Inactive and Acknowledged" condition. The initial Disabled/Enabled condition is set at configuration time. An enabled alarm attribute has either an active condition or an inactive condition. While enabled, an alarm attribute has either an acknowledged or unacknowledged state. The alarm attribute is placed in the unacknowledged condition only if the alarm attribute makes a

transition from inactive to active state, unless automatically acknowledged. Alarms of Havekost '119 are annunciated according to the alarm priority and a different sound file is played according to the priority level. Havekost '119 teaches that the priority levels are high, medium, low, and log. The log is entered into an event journal, which logs the occurrence of or state transition of an event. Users are not notified of entries in the event journal.

In terms of claim 15, it is respectfully submitted that Havekost '119 does not teach or suggest receiving notifications of different notification classifications or determining a notification classification. Havekost '119 teaches rendering an alarm in accordance with a user specified priority. No teaching or suggestion could be found in Havekost '119 of a component that is adapted to receive notifications of different notification classifications from a plurality of objects where the component determines the notification classification and renders the notification in accordance with the notification classification and a user specified priority.

In view of the foregoing, it is respectfully requested that the Examiner withdraw the rejection of claim 15.

The Examiner has rejected claim 1 for the same reasons as claim 15. Claim 1 requires, *inter alia*, receiving a notification at a notification component to provide to a user, the notification component adapted to receive notifications from a plurality of objects and adapted to receive notifications of different notification types; determining a priority to assign the notification based on a user specified priority; deciding a notification type; and rendering the notification in accordance with the priority and the notification type.

Claim 15 does not require the step of deciding a notification type. Therefore, claim 1 cannot be rejected for the same reasons as claim 15. Furthermore, as previously indicated, the notification types include mail messages, user messages, applications changing state messages, meeting reminders, stock tickers, etc. Havekost '119 has been reviewed and no teaching or suggestion could be found of a notification type. It is respectfully submitted that Havekost '119 does not teach or suggest receiving notifications of different notification types, determining a priority to assign the notification based on a user specified priority, deciding a notification type, and rendering the notification in accordance with the priority and the notification type. Havekost '119 teaches rendering an alarm in accordance with a user specified priority. No teaching or suggestion could be found in Havekost '119 of a component that is adapted to receive notifications of different notification types, to determine a priority to assign the notification based on a user specified priority, to decide a notification type, and to render the notification in accordance with the priority and the notification type.

In view of the foregoing, it is respectfully requested that the Examiner withdraw the rejection of claim 1.

35 U.S.C. §103 Rejections

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one skilled in the art, to modify the reference or combine teachings. Any proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference. There must be a reasonable expectation of success and the prior art references must teach or suggest all of the claim limitations. See M.P.E.P. 2143. Conclusory statements cannot be relied on when dealing with particular combinations of prior art and specific claims. The rationale for combining references must be put forth. *In re Lee*, 61 U.S.P.Q.2d 1430, 1433. The Examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references".

The Examiner has rejected claims 2-4, 6, 10-14, 16-20, 23, and 26-29 under 35 U.S.C. § 103(a) as being unpatentable over Havekost '119 in view of Nguyen et al. (U.S. Patent No. 6,412,021). This ground of rejection is respectfully traversed. Reconsideration of this ground of rejection and allowance of claims 2-4, 6, 10-14, 16-20, 23, and 26-29 in view of the following remarks are respectfully solicited.

Claims 2-4, 6, and 10-14 depend from claim 1 and are believed to be patentable for the same reasons set forth above for claim 1. Claims 16-20, 23, and 26-29 depend from claim 15 and are believed to be patentable for the same reasons set forth above for claim 15.

The Examiner's stated reason for combining references is that it would have been obvious to apply the teaching of determining a notification medium to render the notification as taught by Nguyen to the invention of Havekost because this provides multiple methods of displaying a notification such as a dialog box and changing the image or images associated with the button icon. The intended purpose of Havekost is to adjust the priority level of an alarm for a process control system. The alarms of Havekost are rendered audibly via a .WAV file so that operators hear the alarm and take appropriate action. Modifying the alarm to be in the form of a dialog box or changing the image or images associated with the button icon would result in a silent alarm. If the operator is not looking at a monitor when the alarm goes off, the alarm would not be seen and corrective actions would not be taken. Therefore, the proposed

modification of Havekost would render Havekost unsatisfactory for its intended purpose. Such a modification would also change the principle of operation of Havekost. Such a modification is not allowed per MPEP 2143.01 and therefore there is no suggestion or motivation to make the proposed modification of Havekost in view of Nguyen.

Furthermore, with respect to claims 12 and 27, Havekost teaches removing an entry from a list. Claim 12 requires flushing a queue of prior notifications. Claim 27 requires flushing read items from the history that have been read by a user and flushing old items from the history based upon user preferences. It is respectfully submitted that removing an entry from a list is not the same as and does not suggest flushing a queue of prior notifications or flushing items from a history after they have been read or flushing old items determined from the user preference. Therefore, neither Havekost nor Nguyen, singly or in combination, teach or suggest all of the limitations of claims 12 and 27.

With respect to claim 13, the Examiner states col. 33, line 60 to col. 4, line 5 of Havekost teaches determining the number of times the user is provided notification as required by claim 13. The Applicants respectfully disagree. Havekost teaches consolidating many potential active alarm conditions into a short list of "highest priority" alarms. Consolidating potential active alarm conditions into a short list of "highest priority" alarms does not teach or suggest determining the number of times the user is provided notification. Rather, it merely reduces the number of times a user is provided the "highest priority" alarm. Havekost and Nguyen have been reviewed and no teaching or suggestion, singly or in combination, could be found of determining a number of times the user is provided a notification.

With respect to claims 14 and 17, the Examiner states that Havekost as modified teaches the elements of claims 14 and 17. Specifically, the Examiner states that column 4, lines 38-52 of Nguyen teach checking a user preference list to see if the notification classification is listed in a list of selected classifications selected by the user to indicate which notification classifications the user wants to receive and rendering the notification if the notification class is listed in the list of selected classifications. The Applicants respectfully disagree. Column 4, lines 38-52 of Nguyen et al. teach checking a configuration file to see what button icons should be displayed in a selection bar. As described in the instant specification, a notification classification is a category of notifications, which may include a contact classification, a financial classification, an e-mail classification, and an audio classification. It is respectfully submitted that a button icon is not a notification classification as the term is defined in the instant specification and required by claim 14 and does not teach rendering the notification in accordance with a user preference as required by claim 17.

Therefore, it is respectfully submitted that neither Havekost nor Nguyen, singly or in combination, do not teach or suggest checking a user preference list to see if the notification classification is listed in a list of selected classifications selected by the user to indicate which notification the classifications the user wants to receive and rendering the notification if the notification class is listed in the list of selected classifications or rendering the notification in accordance with a user preference.

With respect to claim 18, Nguyen et al. teaches that the response entails one or more forms of user notification, including changing a button icon in a selection bar, setting a fixed or flashing glyph on the button icon, displaying a message in a dialog box, or playing an audio clip. The above teaches that the user is always notified of an event. Therefore, combining Havekost with Nguyen would change the principle of operation of Nguyen, which MPEP 2143.01 does not allow. Therefore, it is respectfully submitted that Nguyen and Havekost do not teach or suggest, singly or in combination, a notification classification be enabled in order for the notification to be rendered. Furthermore, it is respectfully submitted that Nguyen et al. teaches away from requiring that a classification enable of a notification classification be enabled in order for the notification to be rendered.

With respect to claim 28, claim 28 depends from claim 27 and is believed to be patentable for the same reasons put forth above for claim 27. Furthermore, claim 28 requires that items in the history be displayed in accordance with the user preference. No teaching or suggestion could be found of displaying items in the report in accordance with a user preference in Havekost or Nguyen. Therefore, neither Havekost nor Nguyen, singly or in combination, teach or suggest all of the limitations of claim 28.

With respect to claim 29, it requires the steps of displaying the history and performing at least one action if a notification in the history is selected by a user selection device. Havekost states that a history services subsystem teaches storing process and event information and retrieving items from the storage. Havekost makes no other statements with respect to the storage. Therefore, Havekost does not teach or suggest performing an action if a notification in the history is selected by a user selection device. Furthermore, no teaching or suggestion could be found in Nguyen of performing an action if a notification in the history is selected by a user selection device. Therefore, neither Havekost nor Nguyen, singly or in combination, teaches the steps of claim 29.

Therefore, in view of the foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 2-4, 6, 10-14, 16-20, 23, and 26-29.

The Examiner has rejected claims 21, 22, 30, and 31 under 35 U.S.C. §103(a) as being unpatentable over Havekost '119 in view of Nguyen et al. in view of Badt et al. (U.S. Patent No.

6,542,868). This ground of rejection is respectfully traversed. Reconsideration of this ground of rejection and allowance of claims 21, 22, 30, and 31 in view of the following remarks are respectfully solicited.

Claims 21, 22, 30, and 31 depend from claim 15 and are believed to be patentable for the same reasons put forth above for claim 15.

Additionally, as previously indicated, there is no suggestion or motivation to make the proposed modification of Havekost in view of Nguyen. Furthermore, the stated reason for combining Badt is that it would be obvious to apply the teaching of sending a pre-notification notification prior to performing the step of rendering the notification as taught by Badt to the invention of Havekost as modified because this prepares the user for an incoming notification. It is respectfully submitted that the stated reasons for the Examiner's reason to combine references is a conclusory statement that is prohibited by *In re Lee*. A person skilled in the art would have no reason to look at Badt in view of Havekost because the notification of Havekost is an audible alarm. An audible alarm does not need a pre-notification notification because it is already audible.

With respect to claim 21, the Examiner correctly states that Havekost as modified does not teach sending a pre-notification notification prior to rendering the notification. The Examiner then states that Badt does teach sending a pre-notification notification prior to rendering the notification and points to column 2, lines 5-15 of Badt et al. Badt et al. teaches sending a notification to the user to determine if the message corresponding to the notification should be played. If the user does not want to hear the message, the notification is not played. This teaches that the notification is not always rendered. Claim 21 requires that the notification always be rendered.

In view of the foregoing, it is respectfully requested that the Examiner withdraw the rejection of claims 21, 22, 30, and 31.

The Examiner has rejected claim 9 under 35 U.S.C. §103 as being unpatentable over Havekost and Nguyen in view of U.S. Patent No. 6,144,942 to Ruckdashel. Claim 9 is believed to be patentable for the reasons set forth above and for claim 1.

As previously indicated, there is no suggestion or motivation to make the proposed modification of Havekost in view of Nguyen. Furthermore, the stated reason for combining Ruckdashel is that it would be obvious to apply the teaching of a pager notification as taught by Ruckdashel to the invention of Havekost as modified because pager notification allows a user who is away from their computer to be notified of an event. It is respectfully submitted that the stated reasons for the Examiner's reason to combine references is a conclusory statement that is prohibited by *In re Lee*. A person skilled in the art would have no reason to look at

Ruckdashel in view of Havekost because the notification of Havekost is an audible alarm for a process control system. The monitoring of a process control system that has alarms requires a person to be on-site in hearing distance of an alarm in order to quickly take corrective action for high priority alarms. Therefore, the system of Havekost does not need a pager notification and therefore, a person of ordinary skill in the art would have no reason to look to the teachings of Ruckdashel. Therefore, the reason to combine references is a conclusory statement.

Therefore, it is respectfully requested that the rejection of claim 9 be withdrawn.

The Examiner has rejected claims 5 and 32 under 35 U.S.C. §103 as being unpatentable over Havekost in view of U.S. Patent No. 6,405,204 to Baker et al. Claim 5 is believed to be patentable for the same reasons set forth above and for claim 1. Claim 32 is believed to be patentable for the same reasons set forth above and for claim 15.

Furthermore, Havekost is directed to a process control system with alarm priority adjustments that enables a user to adjust the priority level of alarm conditions. Baker et al. is directed to system that provides index performance alerts based upon price performance measures of each industry, sector, sub-sector, or group. The alerts are provided via standard e-mail as well as XML using push technology. It is respectfully submitted that Baker et al. is non-analogous art because an inventor looking to provide alarms for a process control system would not look to art that is directed to financial alerts. Additionally, it is respectfully submitted that the Examiner's stated reason for combining the references is not related in any way to the problem being solved in Havekost, and therefore, a person skilled in the art would not look to combine the Havekost and Baker et al. references. Therefore, it is respectfully submitted that the Examiner withdraw the rejection of claims 5 and 32.

The Examiner has rejected claims 7, 8, 24, and 25 under 35 U.S.C. §103 as being unpatentable over Havekost and Nguyen further in view of U.S. Patent No. 6,317,128 to Harrison. Claims 7, 8, 24, and 25 are believed to be patentable for the same reasons set forth above and for claims 1 and 15.

With respect to claims 7 and 24, the Examiner correctly states that Havekost as modified does not teach a transient display or an alpha-blended display. It is respectfully submitted that the Examiner's stated reason for combining the references is not related in any way to the problem being solved in Havekost (providing a process control system where users can adjust the priority level of alarms), and therefore, a person skilled in the art would not look to combine the Havekost and Harrison references. Furthermore, the Applicants respectfully submit that the Examiner has made conclusory statements in the §103 rejections and has put forth no rationale as to why one of ordinary skill in the art would combine the references. The Examiner has only stated what the Examiner believes the references teach

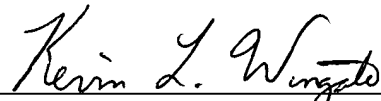
In re Appln. of Felix G.T.I. Andrew et al.
Application No. 09/705,858

and that it would be obvious to combine the references based on what Harrison et al. teaches. The Applicants respectfully submit that a prima facie case of obviousness has not been made. Therefore, it is respectfully submitted that the Examiner withdraw the rejection of claims 7, 8, 24, and 25.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kevin L. Wingate".

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